

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

AARON D. SEYMOUR,

Plaintiff,

v.

DOE 1, et al.,

Defendants.

Case No.: 1:22-cv-01146-SKO

**ORDER DISCHARGING ORDER TO
SHOW CAUSE**

(Doc. 44)

Plaintiff Aaron D. Seymour is appearing pro se and *in forma pauperis* in this civil rights action. This action proceeds on Plaintiff's Eighth Amendment failure to protect claim against Defendant Medina. (*See* Doc. 17.)

I. RELEVANT BACKGROUND

On September 2, 2025, Defendant Medina filed a summary judgment motion addressing the merits of Plaintiff's claim. (Doc. 40.)

On October 6, 2025, this action was reassigned from Magistrate Judge Gary S. Austin to the undersigned. (Doc. 41.)

On October 7, 2025, Defendant filed a Notice of Plaintiff's Failure to Oppose Defendant's Motion for Summary Judgment, Submitted in Lieu of Reply Papers, and Request for Dismissal with Prejudice. (Doc. 42.)

On October 14, 2025, this Court issued its Second Informational Order – Notice and

1 Warning of Requirements for Opposing Defendant’s Summary Judgment Motion. (Doc. 43.)
2 Plaintiff was advised regarding his rights and responsibilities for opposing Defendant’s motion
3 for summary judgment, (*id.* at 2-4), and the deadline for filing an opposition or statement of non-
4 opposition was extended to 21 days after the date of service of the order (*id.* at 4).

5 On November 12, 2025, when Plaintiff failed to file an opposition or statement of non-
6 opposition, the Court issued its Order to Show Cause (OSC) Why Sanctions Should Not be
7 Imposed for Plaintiff’s Failure to File an Opposition or Statement of Non-Opposition to
8 Defendant’s Motion for Summary Judgment; Plaintiff was to respond in 14 days. (Doc. 44.)

9 II. DISCUSSION

10 This Court’s Local Rules provide, in relevant part:

11 Opposition, if any, to the granting of a motion shall be served and
12 filed by the responding party not more than twenty-one (21) days
13 after the date of service of the motion. A responding party who has
14 no opposition to the granting of the motion shall serve and file a
15 statement to that effect, specifically designating the motion in
question. Failure of the responding party to file an opposition or
statement of no opposition may be deemed a waiver of any
opposition to the granting of the motion and may result in the
imposition of sanctions.

16 Local Rule 230(*l*). Here, despite the issuance of an OSC, Plaintiff failed to file an opposition to
17 Defendant’s summary judgment motion. And as the OSC cautioned, “a failure to respond to this
18 OSC will result in the Court deeming Defendant’s motion to be unopposed and submitted.” (Doc.
19 44 at 3, emphasis omitted.) The undersigned considers Defendant’s pending summary judgment
20 motion to be unopposed. Thus, no reply brief is necessary, and the motion is submitted for decision.
21 Local Rule 230(*l*) (“All such motions will be deemed submitted when the time to reply has
22 expired”].)

23 This Court is one of the busiest district courts in the nation. All judges carry heavy
24 caseloads. Defendant’s unopposed summary judgment motion will be decided in due course.

25 III. CONCLUSION AND ORDER

26 Accordingly, for the reasons stated above, the Court **HEREBY ORDERS**:

- 27 1. The OSC issued November 12, 2025 (Doc. 44) is **DISCHARGED**;
- 28 2. Defendant Medina’s motion for summary judgment filed September 2, 2026 (Doc. 40)

1 is deemed unopposed and under submission; and

2 3. The motion will be decided in due course.

3
4 IT IS SO ORDERED.

5 Dated: **December 5, 2025**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE